IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER

TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No. 1308 of 1994

Between:

1 M/s.Chakravarthy Enterprises

Contractors:Sri Rajeswari Rice Mill, Tapeswaram,E.G.Dist.,

rep.by its Mg.Partner V.Sriramakrishna Satyananda Venkata Subbarao.
2 Sri Boda Subrahmanyam S/o.Narayanamurthy R/o.Tapeswaram
3 Sri Boda Chiranjivi Rao S/o.Subhramanyam R/o.Tapeswaram E.G.Dist.
4 Ayyagari Krishnamurthy S/o.Ramamurthy R/o.Tapeswaram, Mandapet Mandal, E.G.Dist
5 Vanimisetty Sriramakrishna Satyananda Venkata Subbarao

S/o./Somanadha Rao, R/o.Tapeswaram.
6 Boda Chennakeswara Rao S/o.Subba Rao R/o.Tapeswaram E.G.Dist.
7 Neelati Adinarayana S/o.Suranna R/o.Ippanapadu E.G.Dist.
8 Nelati Suryakumari W/o.Adinarayana R/o.Ippanapadu E.G.Dist.

..... PETITIONERS

AND

1 The Government of A.P., Food and Agriculture Department, rep.by its Prl.Secretary, Secretariat, Hyderabad.
2 The Principal Secretary, Agricultural Market Committee, Alamuru, E.G.Dist.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or order declaring that the action of the 2nd respondent Market Committee in issuing Notice R.O.C.No.1487/82 dt.19-1-1994 to all the petitioners is illegal, null and void as it is not validly constituted and does not have legal authority to enforce the provisions of Act 16 of 1966 and consequential order directing the respondent No.2 forbear from enforcing the provisions of Act 16 of 1966 on the petitioners in any manner and allow all consequential benefits and grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case, else the petitioners will be put to serious loss and hardship.

Counsel for the Petitioners : MR.CH.DHANAMJAYA

Counsel for Respondent No.1 : G.P. for Food and Agriculture.

Counsel for Respondent No.2 : MR.K.MADHAVA REDDY

The Court made the following :

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ORDER :

This writ petition is filed by the petitioner firm and its partners with reference to the notice dated 19-1-1994, issued by the second respondent, under which an amount of Rs.30,831/- was demanded towards interest at the rate of 12% upto 1-12-1993 in terms of the Amendment Act of Andhra Pradesh Market Act, 1987. The grievance of the petitioners is that the market fee in dispute relates to the period prior to 1987. Therefore, the petitioner firm is not liable to pay any interest, as the provision relating to the imposition of the interest was inserted in the Act only in the year 1987, and therefore, such interest is liable to be paid only with reference to the market fee due and payable after 1987.

Almost an identical issue was considered and disposed of by a Division Bench of this Court in W.P.No.1299 of 1994,
dated 18-2-1997 holding that the petitioners therein are liable to pay interest from the date of amendment of the provision obligating the payment of interest for the delayed payments in terms of the Amendment Act. However, it is made clear that the petitioner is not liable to pay any interest upto the date of the amendment, but from the date of the amendment the petitioner firm is liable to pay interest on the outstanding market fee along with market fee.

The writ petition, with the above direction, is disposed of. No costs.

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(S.ANANDA REDDY,J.)

2-12-2004.

Msr.

To

1 The Principal Secretary to Government,

Food and Agriculture Dept., Secretariat, Hyderabad.

2 Principal Secretary, Agricultural Market Committee,
Alamuru, E.G.Dist.

3. 2CCs to G.P. for Food and Agriculture, High Court Buildings,

Hyderabad (OUT).

4. 2CD copies

HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT PETITION No.1308 of 1994

2-12-2004.

(Msr)